

(iv) Type of procurement (new contract—RFP or IFB, amendment, etc.) and estimated dollar amount, and term.

(v) Copy of approved Repts and Certs.

(2) If the initial contact with OFCCP is by telephone, the contracting officer and OFCCP should mutually determine what information is to be included in the written verification request. In the event that OFCCP reports that the offeror is not in compliance, negotiations with the offeror shall be terminated.

(c) *Contracts over \$10,000, but less than \$1,000,000.* Contracts and amendments within this range do not require formal verification by OFCCP. The method used to verify compliance is at the discretion of the contracting officer. The contracting officer may rely on the documentation submitted by the offeror (the Repts and Certs—see 722.805-70(a)), unless he or she is aware of some reason to doubt the documentation submitted. In case of doubt, then an informal check with OFCCP should be made. In the event that evidence of non-compliance is developed, the contracting officer must contact OFCCP for confirmation of EEO status; only OFCCP may determine non-compliance with EEO requirements. If OFCCP confirms non-compliance, negotiations with the offeror or contractor shall be terminated.

(d) *Documentation for the contract file.*

(1) Every contract file must contain completed signed Repts and Certs. The file must clearly show that these documents have been reviewed and accepted by the contracting officer. If the Repts and Certs were revised to make them acceptable (see 722.805-70(a)), the file must show what changes were required and certify that the changes were made.

(2) For contracts or amendments of \$1,000,000 or more, the file must contain:

(i) A record of the initial contact with OFCCP, specifying the name, address, and telephone number of the person contacted, a summary of the information presented, and the advice given by OFCCP;

(ii) A copy of the written follow-up request for EEO compliance verification to OFCCP; and

(iii) A copy of the compliance verification from OFCCP.

(3) For contracts or amendments over \$10,000 but less than \$1,000,000, the file must contain a statement from the contracting officer that the contractor is considered in compliance with EEO requirements, and giving the basis for this statement (see 722.805-70(c)). This statement may be in a separate memorandum to the file or in the memorandum of negotiation.

(4) Documentation in the event of non-compliance. In the event that OFCCP determines that a prospective contractor is not in compliance, a copy of OFCCP's written determination, and a summary of resultant action taken (termination of negotiations, notification of offeror and cognizant technical officer, negotiation with next offeror in competitive range, resolicitation, etc.) will be placed in the contract file for any contract which may result, together with other records related to unsuccessful offers, and retained for at least six months following award.

[61 FR 39092, July 26, 1996; 61 FR 42939, Aug. 19, 1996, as amended at 62 FR 40468, July 29, 1997]

## PART 724—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

### Subpart 724.2—Freedom of Information Act

Sec.

724.202 Policy.

AUTHORITY: Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

SOURCE: 49 FR 13248, Apr. 3, 1984, unless otherwise noted.

### Subpart 724.2—Freedom of Information Act

#### 724.202 Policy.

The U.S. Agency for International Development's policies concerning implementation of the Freedom of Information Act are codified in 22 CFR part 212 (USAID Regulation 12).